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7 *Attorneys for Plaintiff Quiksilver, Inc.*

8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

10 QUIKSILVER, INC., a Delaware
 11 Corporation,

12 Plaintiff,

13 vs.

14 U.S. FURONG INTERNATIONAL,
 15 INC., et al.,

16 Defendants.

CASE NO. SA CV 08-0888 AG (MLGx)

~~PROPOSED~~ ORDER GRANTING
 CONSENT JUDGMENT INCLUDING
 A PERMANENT INJUNCTION;
 VOLUNTARY DISMISSAL WITH
 PREJUDICE AS TO DEFENDANT
 SUNDAY SHOES, INC.

17 Plaintiff Quiksilver, Inc. and Defendant Sunday Shoes, Inc. have entered into a
 18 Settlement Agreement and Mutual Release as to the claims in the above referenced
 19 matter. Defendant, having agreed to consent to the below terms, it is hereby

20 **ORDERED, ADJUDGED, and DECREED** as among the parties hereto that:

21 1. This Court has jurisdiction over the parties to this Final Judgment and has
 22 jurisdiction over the subject matter hereof pursuant to 15 U.S.C. § 1121.

23 2. Plaintiff Quiksilver, Inc. ("Quiksilver") is the owner of the DC Shoes®
 24 Marks, including but not limited to, U.S. Registration Nos. 2317622, 2427124, and
 25 3040219 (hereinafter "DC Marks").

26 3. Plaintiff has alleged that Defendant's purchase and sale of footwear
 27 falsely bearing the DC Marks constitutes trademark infringement and unfair
 28

1 competition under the Lanham Trademark Act, 15 U.S.C. § 1051, et seq. and under the
 2 common law.

3 4. Defendant and its agents, servants, employees and all persons in active
 4 ~~concert and participation~~ ^{other unlawful} with it who receive actual notice of this Final Judgment are
 5 hereby permanently restrained and enjoined from infringing upon either the DC Marks,
 6 either directly or contributorily, in any manner, including generally, but not limited to
 7 manufacturing, importing, distributing, advertising, selling and/or offering for sale any
 8 unauthorized product bearing the DC Marks, or marks confusingly similar to or
 9 constituting a colorable imitation thereof, and, specifically from:

10 (a) using the DC Marks or any reproduction, counterfeit, copy or
 11 colorable imitation of same in connection with the manufacture, importation,
 12 distribution, advertisement, offer for sale and/or sale of merchandise comprising not
 13 the genuine products of Plaintiff, or in any manner likely to cause others to believe that
 14 the counterfeit products are connected with Plaintiff or Plaintiff's genuine
 15 merchandise;

16 (b) passing off, inducing or enabling others to sell or pass off any
 17 products or other items that are not Plaintiff's genuine merchandise as and for
 18 Plaintiff's genuine merchandise;

19 (c) committing any other acts calculated to cause purchasers to believe
 20 that Defendant's products are Plaintiff's genuine merchandise unless they are such;
 21 and

22 (d) shipping, delivering, holding for sale, distributing, returning,
 23 transferring or otherwise moving, storing or disposing of in any manner items falsely
 24 bearing the DC Marks, or any reproduction, counterfeit, copy or colorable imitation of
 25 same.

26 5. Plaintiff and Defendant shall bear their own costs associated with this
 27 action.
 28

1 6. The execution of this Final Judgment by Counsel for the parties shall
2 serve to bind and obligate the parties hereto.

3 7. The jurisdiction of this Court is retained for the purpose of making any
4 further orders necessary or proper for the construction or modification of this Final
5 Judgment, the enforcement thereof and the punishment of any violations thereof.
6 Except as otherwise provided herein, this action is fully resolved with prejudice as to
7 Defendant Sunday Shoes, Inc.

8 8. This Final Judgment shall be deemed to have been served upon Defendant
9 at the time of its execution by the Court.

10
11 DATED: **FEB. 10**, 2009


Honorable Andrew J. Guilford
United States District Judge

12
13
14 Respectfully Submitted by:
15 BLAKELY LAW GROUP

16
17 By:


Cindy Chan
Attorneys for Plaintiff
Quiksilver, Inc.